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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,692	12/26/2001	Ming Hsun Lin	MR2349-763	6072

4586 7590 05/13/2004

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EXAMINER

DEAN, RAYMOND S

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 05/13/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

10/025,692

Applicant(s)

LIN, MING HSUN

Examiner

Raymond S Dean

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 - 3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 3 is objected to because of the following informalities: Line 5 change "hole" to "holder". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 3 recites the limitation "hollow shaft body\*" in Claim 2. There is insufficient antecedent basis for this limitation in the claim because Claim 3 depends on Claim 1.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 – 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (2002/0111140 A1) in view of Hahn et al. (US 6,230,029 B1).

Regarding Claim 1, Kim teaches a folding collapsible wireless transmitter-receiver earphone comprising a base unit (Figure 2, Section 0019 lines 4 – 8), an

extension unit extended from one end of said base unit (Figure 2, Section 0019 lines 4 – 8), a speaker mounted in said base unit (Figure 2), a microphone mounted in said extension unit (Figure 2), wherein said base unit comprises an axle holder disposed at one end thereof (Figure 2), said axle holder comprising a chamber disposed in communication with the inside space of said base unit and an opening in a bottom side of said chamber (Figure 2, there is a switch signal line (119b) from the axle holder down into the extension unit (117b) thus there is an opening in the bottom side of the chamber of which said axle holder is comprised of); said extension unit comprises a hollow pivot shaft transversely disposed at one end thereof and pivoted to the chamber of said base unit (Figure 2, since the extension unit (117b) pivots to the chamber there will be a hollow pivot shaft transversely disposed at one end thus this is an inherent characteristic), said hollow pivot shaft having a side opening disposed in communication with the bottom opening of said axle holder for the passing of said signal line (Figure 2, since the switch signal line (119a) runs from the axle holder down into the extension unit (117b) the hollow pivot shaft, of which said extension unit (117b) is comprised of, will therefore have a side opening).

Kim does not teach a circuit board mounted in a base unit and a signal line connected between said circuit board and a microphone.

Hahn teaches a circuit board mounted in a base unit (Figure 1A, Figure 2A, the base unit comprises the ear hook (12) and the ear piece (13), said ear hook (12) and ear piece (13) house the printed circuit boards) and a signal line connected between said circuit board and a microphone (Figure 2A, Figure 2B, Column 4 lines 52 – 56).

Kim (Figure 1) and Hahn both teach a wireless headset that comprises circuitry that allows said wireless headset to function properly thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the circuit board mounted in the base unit along with the signal line taught above in Hahn in the wireless headset of Kim for the purpose of creating a properly functioning headset that is also small and compact enough to fit one ear of a user of said wireless headset.

Regarding Claim 2, Kim in view of Hahn teaches all of the claimed limitations recited in Claim 1. Kim further teaches wherein said axle holder comprises a hollow shaft body inserted into said chamber of said axle holder (Figure 2, since there is a signal line (119a) that passes through the axle holder that means that said axle holder is hollow thus a hollow shaft body is inherent) said hollow shaft body having a coupling portion disposed at one lateral side opposite to said side opening and pivotally coupled to the coupling portion of said axle holder (Figure 2, since there is a signal line (119a) that passes from the axle holder to the extension unit (117b) this is an inherent characteristic).

Regarding Claim 3, Kim in view of Hahn teaches all of the claimed limitations recited in Claim 1. Kim further teaches wherein said hollow shaft body has a back wire passage hole disposed in communication with the side opening of said hollow shaft body and the bottom opening of said axle hole (Figure 2, since there is a signal line (119a) that passes through the axle holder, which means that said axle holder is hollow, there will be a back wire passage hole for the passage of said signal line (119a) down through the bottom opening of said axle holder thus this is an inherent characteristic).

**Conclusion**

6. Any inquiry concerning this communication should be directed to Raymond S. Dean at telephone number (703) 305-8998.

If attempts to reach examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung, can be reached at (703) 308-7745. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology center 2600 only)

Hand – delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377



  
**NAY MAUNG**  
**SUPERVISORY PATENT EXAMINER**